?BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

%DATED: 12.11.2018

*CORAM
THE HON-BLE Mr. JUSTICE R.SUBBIAH
AND
THE HON-BLE Mrs. JUSTICE R.THARANI

+W.P.(MD)No.17937 of 2018

#G.Tamizhselvam
... Petitioner

Vs.

$1.The District Collector,
Collectrate Office Campus,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Viralimalai Taluk,
Viralimalai,
Pudukkottai District.

3.The Authorized Officer,
Karnataka Bank Ltd.,
Sasthri Road,
Thillai Nagar,
Trichy 620 018.
... Respondents
PRAYER: The petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to forbear from all further proceedings of the order passed by the third respondent under Section 13(4) of SARFAESI Act, 2002 dated 21.10.2016 till the disposal of I.A.No.6 of 2018 in S.A.S.R.No.8122 of 2016 pending before the Debts Recovery Tribunal Madurai.

!For Petitioner : Mr.V.Santhakumaresan
^For Respondents : Mr.N.Jeyakumar, AGP for R1 and R2
Mr.S.Venkatesh for R3
:ORDER
(Order of the Court was made by R.SUBBIAH,J.)
This Writ petition has been filed to issue a Writ of Mandamus, directing the respondents to forbear from all further proceedings of the order passed by the third respondent under Section 13(4) of SARFAESI Act, 2002 dated 21.10.2016 till the disposal of I.A.No.6 of 2018 in S.A.S.R.No.8122 of 2016 pending before the Debts Recovery Tribunal, Madurai.

2.Though the Writ petition has been filed for the aforesaid relief, at

the time of argument, the learned counsel for the petitioner restricted his prayer to the effect that it is suffice, if a direction is given to the Debts Recovery Tribunal, Madurai to dispose of the application in I.A.No.6 of 2018 in S.A.S.R.No.8122 of 2016 within a time frame.

3.Opposing the same, the learned counsel appearing for third respondent pointed out that this Court by order dated 23.02.2018 in W.P.(MD)No.2210 of 2018 directed the Debts Recovery Tribunal, Madurai, to dispose of the application in I.A.No.6 of 2018 by fixing the time limit. When the Debts Recovery Tribunal took up the case for disposal, the petitioner did not appear. He further submitted that the case is posted on 07.12.2018.

4.Since already a direction has been given to the Debts Recovery Tribunal to dispose of the application in I.A.No.6 of 2018, this Court is not inclined to give further direction to the Debts Recovery Tribunal for disposing the said application. Accordingly, this Writ petition is dismissed. It is open to the petitioner to work out his remedy before the Tribunal by appearing on the said date. No costs.

To
1.The District Collector,
Collectrate Office Campus,
Pudukkottai,
Pudukkottai District.

2.The Tahsildar,
Viralimalai Taluk,
Viralimalai,
Pudukkottai District.

3.The Authorized Officer,
Karnataka Bank Ltd.,
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